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10/598,163	05/05/2008	Stefan Geoffrey Butlin	051038	1887
23696	7590	07/22/2011	EXAMINER	
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				SMITH, BENJAMIN J
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

Office Action Summary	Application No.	Applicant(s)	
	10/598,163	BUTLIN ET AL.	
	Examiner	Art Unit	
	BENJAMIN SMITH	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 May 2011.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 and 13-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-6 and 13-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 18 August 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

Applicant's Response

In Applicant's Response dated 5/5/2011, Applicant amended Claims 1-3, 6, canceled claims 7-12, added Claims 13-30, amended the specification, and argued against all or some objections and rejections previously set forth in the Office Action dated 4/1/2011.

Based on the amendments, the objections to the Specification and Drawings) previously set forth are withdrawn.

Based on the amendments, the objections to the claims previously set forth are withdrawn.

Based on the amendments, the rejection of Claim 7 under 35 U.S.C. 101 previously set forth are withdrawn.

Based on the amendments to the claims, the prior art rejection of Claims 1-12 under 35 U.S.C. 102 and 103 previously set forth are withdrawn.

The examiner appreciates the applicant noting where the support for the amendments is located in the specification.

Claims 1-6 and 13-30 remain pending. Claims 1, 13, 19 and 25 are independent claims.

Claim Objections

Claim 1 objected to because of the following informalities:

The claims have a repeated word, "*providing an actor attribute update, the the actor attribute update being.*"

Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “*rendering the user interface in accordance with the received user interface operating instruction update and actor attribute update*” of claims 1, 13, 19, 25 and the “*not updated to reflect any updated user interface operating instructions until the current content in use by the renderer is no longer displayed in the user interface*” of claims 2, 14, 20 and 26 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

“rendering the user interface in accordance with the received user interface operating instruction update and actor attribute update” of claims 1, 13, 19, 25 “not updated to reflect any updated user interface operating instructions until the current content in use by the renderer is no longer displayed in the user interface” of claims 2, 14, 20 and 26.

The Specification does not mention the recited elements. The specification discusses “Updates comprise a new trig (a new or replacement UI) **or** a triglet (a modification to an existing trig)” [published specification ¶ 0051] and the specification discusses updating in multiple locations but fails to describe waiting to update “*until the current content in use by the renderer is no longer displayed.*“

Thus, there is no support or antecedent basis for the recited moving a user interface element, that allows the meaning of the term to be ascertained, as required in 37 CFR 1.75(d)(1).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6 and 13-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 13, 19 and 25 now recite "*rendering the user interface in accordance with the received user interface operating instruction update and actor attribute update.*" Despite reviewing the Specification of the present invention, the examiner cannot find support for the cited claim limitation.

Claims 2, 14, 20 and 26 now recite "*the user interface is not updated to reflect any updated user interface operating instructions until the current content in use by the renderer is no longer displayed in the user interface.*" Despite reviewing the Specification of the present invention, the examiner cannot find support for the cited claim limitation.

Therefore, Applicant is obligated to respond by explaining where in the Specification support for each of these limitations can be found. See *In re Alton*, 76 F.3d 1168, 1175 [37 USPQ2d 1578] (Fed. Cir. 1996). See *Hyatt v. Doll*, 91 USPQ2d 1865 (Fed. Cir., 2009).

Due at least to their dependency upon the above claims, the remaining claims also recite new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 13, 19, 25, 3, 15, 21, 27, 4, 16, 22, 28, 6, 18, 24, 30 rejected under 35 U.S.C. 102(b) as being anticipated by Peters et al. US Pat. Publication No. 2004/0158638 (“Peters”).

Claims 1, 13, 19 and 25:

Peters Discloses:

A method of rendering a user interface for a device [abstract and summary], the method comprising: (Claim 1)

A non-transitory computer readable medium having stored thereon processor-executable instructions configured to cause a processor to perform operations for rendering a user interface for a device comprising: (Claim 13)

A device for rendering a user interface, comprising: (Claim 19)

A device, comprising: a processor; a memory coupled to the processor; and a communications interface coupled to the processor; wherein the processor is configured with processor-executable instructions to perform operations comprising: (Claim 25)

providing a user interface operating instruction update [¶ 0005, 08, 25, 28-32, 40, 42, 47, 51, 53, 54, 56, 67] [static event updates];

providing an actor attribute update, the the actor attribute update being associated with a user interface element and comprising one or more attributes defining a respective actor [¶ 0004-08, 16-20, 28-33] [dynamic event updates];

providing a renderer to receive one or more attributes from the actor attribute update and to receive the user interface operating instruction update [¶ 0020] [display user interface]; and

rendering the user interface in accordance with the received user interface operating instruction update and actor attribute update [¶ 0001-08, 0044, 56, 65, 66, 69] [static and dynamic event data].

Claim 3, 15, 21 and 27:

Peters Discloses:

A method according to claim 2,

The non-transitory computer readable medium of claim 14,

A device according to claim 20,

The device of to claim 26,

*wherein the actor attribute is updated in response to a user update [¶ 0037]
[dynamic event data].*

Claim 4, 16, 22, and 28:

Peters Discloses:

A method according to claim 2,

The non-transitory computer readable medium of claim 14,

A device according to claim 20,

The device of to claim 26,

wherein the updating of an attribute causes the formatting of a user interface element to change [¶ 0051] [displaying the data is updating an attribute at least because text is an attribute].

Claim 6, 18, 24 and 30:

Peters Discloses:

A method according to claim 1,

The non-transitory computer readable medium of claim 13,

A device according to claim 19,

The device of to claim 25,

wherein the actor attributes comprise mark-up language and the renderer is a mark-up language renderer [¶ 0018] [XML and HTML are markup languages].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al. US Pat. Publication No. 2004/0158638 (“Peters”) as shown above, and further in view of Relyea et al. US Pat Publication No. 2005/0091576 (“Relyea”).

Claim 2, 14, 20 and 26:

Peters discloses:

A method according to claim 1,

The non-transitory computer readable medium of claim 13,

A device according to claim 19,

The device of to claim 25,

wherein if an actor attribute is updated, the update is received by the renderer and the user interface is updated immediately to reflect the actor attribute update [¶ 0051 and figs. 3 and 4] [update user interface when dynamic data is received or wait if the data is a generic notification or discard if undesired]; and

Peters fails to Disclose:

if a user interface operating instruction is updated, the user interface operating instruction update is received by the renderer and the user interface is not updated to reflect any updated user interface operating instructions until the current content in use by the renderer is no longer displayed in the user interface.

Relyea Discloses:

if a user interface operating instruction is updated, the user interface operating instruction update is received by the renderer and the user interface is not updated to reflect any updated user interface operating instructions until the current content in use by the renderer is no longer displayed in the user interface [¶ 0314] [onLostFocus allows the update to be done when not in use by the user].

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of updating in Peters with the method of updating in Relyea.

This combination would have been useful for allowing for more flexible updates.

Claim 5, 17, 23 and 29:

Relyea Discloses:

A method according to claim 2,

The non-transitory computer readable medium of claim 14,

A device according to claim 20,

*The device of to claim 26,
wherein the updating of an attribute causes a user interface element to move
within the user interface [¶ 0256, 283, 285, 0330] [movable text position, move
animation].*

Response to Arguments

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please See PTO-892: Notice of References Cited.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BENJAMIN SMITH** whose telephone number is **(571)270-3825**. The examiner can normally be reached on Monday through Friday 8:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's **supervisor, Doug Hutton** can be reached on **(571) 272-4137**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benjamin J. Smith/
Examiner, Art Unit 2176
Direct Phone: 571-270-3825
Direct Fax: 571-270-4825
Email: benjamin.smith@uspto.gov

/Doug Hutton/
Supervisory Patent Examiner, Art Unit 2176